

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GLEN EARL FISHER,

Defendant-Appellant.

UNPUBLISHED

July 31, 2001

No. 224416

Calhoun Circuit Court

LC No. 98-005421-FH

Before: Neff, P.J., and O'Connell and R. J. Danhof*, JJ.

MEMORANDUM.

Defendant appeals his conviction for possession with intent to deliver less than fifty grams of a controlled substance, crack cocaine, in violation of MCL 333.7401(2)(a)(iv). We affirm.

Defendant first asserts that the trial court improperly allowed a police officer to offer evidence that he met the profile of a drug dealer, and therefore was guilty of the charged crime. However, what was presented was admissible expert testimony offered for background information concerning the packaging of the drugs found, not a drug dealer profile. *People v Hubbard*, 209 Mich App 234, 238-239; 530 NW2d 130 (1995); *People v Ray*, 191 Mich App 706, 707-708; 479 NW2d 1 (1991). The expert also testified that the typical street price for a unit of crack cocaine is \$20. Admission of this testimony was proper because it was appropriate for helping the jury understand the significance of the evidence, particularly the packaging of the drugs found and the amount and denomination of the currency found in defendant's possession. All of this testimony was offered with proper limiting instructions, given before the evidence was presented and again in the judge's charge to the jury, that it was offered to aid the jury in understanding the nature of drug trafficking, and not as substantive evidence of whether a crime had been committed. *Hubbard, supra*. We find no error in the admission of the expert testimony under these circumstances.

Defendant also contends that there was insufficient evidence to support his conviction. We disagree. We review this question to determine whether, when the evidence is viewed in the light most favorable to plaintiff, a rational trier of fact could have found all the elements of the charged crime to have been proven beyond a reasonable doubt. *People v Head*, 211 Mich App

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

205, 210; 535 NW2d 563 (1995). A jury may base its verdict on circumstantial evidence and reasonable inferences from it. *People v Lawton*, 196 Mich App 341, 350; 492 NW2d 810 (1992). Considered in this light, the circumstantial evidence, and reasonable deductions drawn from it, were sufficient for a reasonable jury to have found beyond a reasonable doubt that defendant was guilty of possession with intent to deliver less than fifty grams of a controlled substance beyond a reasonable doubt.

Affirmed.

/s/ Janet T. Neff
/s/ Peter D. O'Connell
/s/ Robert J. Danhof